cited in the principal case, that "every corner lot necessarily has two fronts, because its face is opposite to, and fronts upon, two different streets." In reaching this conclusion, the court takes into consideration the general scheme of arrangement of the lots and streets, as having for its object the insuring of an uninterrupted view of the ocean from the main thoroughfare on each of four avenues, on one of which the lot in question abutted.

DEEDS—RESTRICTIVE COVENANT—ELECTRIC LIGHT STATION A FACTORY.—In pursuance of a general scheme of improvement, property was conveyed subject to a restrictive covenant that the grantee, his heirs or assigns, would not "erect or permit, upon any part of the said lot, any hotel, drinking saloon, gambling house, slaughter house, manufactory, brewery, distillery, or building for the curing of fish, or for any other uses or purposes that shall depreciate the value of the neighboring property for dwelling houses." *Held*, that an electric light station is a manufactory within the meaning of the covenant. *Scrymser et al.* v. *Seabright Electric Light Co.* (1908), — N. J. Eq. —, 70 Atl. 977.

There seems to be no authority directly in point. The question whether the production of electricity for commercial uses is manufacture within the meaning of statutes of various kinds, has arisen in a number of cases, and has given rise to considerable discussion, but appears now to be well settled in the affirmative. Thus, electric light companies have been held to be manufacturing companies within the meaning of: a manufacturing and mining companies act (*Burke* v. *Mead*, 159 Ind. 252, 64 N. E. 880); an act exempting manufacturing companies from taxation (*People* v. *Wemple*, 129 N. Y. 543, 29 N. E. 808, 14 L. R. A. 708; *Frederick Electric Light, etc., Co.* v. *Frederick City*, 84 Md. 599, 36 Atl. 362, 36 L. R. A. 130); an act authorizing reorganization (*Com.* v. *Keystone Electric Light, etc., Co.*, 193 Pa. St. 245, 44 Atl. 326); an act authorizing consolidation (*Beggs* v. *Edison Electric Illumination Co.*, 96 Ala. 295, 11 South. 381, 38 Am. St. Rep. 94); a mechanics' lien law (*Bates Machine Co.* v. *Trenton & N. B. R. R. Co.*, 70 N. J. L. 684, 58 Atl. 935, 103 Am. St. Rep. 811). In *Beggs* v. *Edison Electric Illuminating Co.*, supra, the court said that an electric light company is a manufacturing corporation to all intents and purposes. In the principal case the court holds that the question is settled by the case of *Bates Machine Co.* v. *Trenton & N. B. R. R. Co.*, supra. On principle, however, it would seem that the question involved should be considered more particularly with reference to the intention of the grantor, and his reasons for requiring the covenant, rather than decided merely upon an arbitrary definition of the word "manufactory." "In construing such covenants (those restricting the use of real property) effect is to be given to the intention of the parties, as shown by the language of the instrument, considered in connection with the circumstances surrounding the transaction, and the object had in view by the parties; but all doubts must be resolved in favor of natural rights and a free use of property, and against restrictions." 11 CYC. 1077, and cases there cited. In view of the character of modern electric light stations, which are not infrequently located in or near residence districts, it can

hardly be said, without taking into consideration the circumstances of the particular case, that such a plant would necessarily fall within the class of establishments intended by the grantor to be excluded. It is submitted, therefore, that the decision in the case of *Bates Machine Co.* v. *Trenton & N. B. R. R. Co.*, supra, does not conclude the question which was before the court for decision in the principal case.

DIVORCE—JURISDICTION OF PERSON—RESIDENCE OF PLAINTIFF.—A statute of Missouri requires proceedings in divorce cases to be held in the county where plaintiff resides. Petitioner, who was domiciled in a certain county, alleged in his petition for divorce that he was a resident of the county where suit was brought. At the trial of the cause, upon proof that petitioner was a resident of another county, the suit was dismissed, though the question of jurisdiction was not raised in abatement. *Held*, (BLAND, P.J., dissenting), the suit was properly dismissed. *Lagerholm* v. *Lagerholm* (1908), — Mo. App. —, 112 S. W. 720.

The opinion of the majority in the principal case is in accord with the holding of *Pate* v. *Pate*, 6 Mo. App. 49, in which the court held that the provision of the statute was jurisdictional and that it was essential that the plaintiff allege in the petition that he or she was a resident of the county wherein the suit was brought. There are many cases to the effect that an allegation of residence is a jurisdictional fact and must be alleged. *Phelan* v. *Phelan*, 12 Fla. 449; *Gredler* v. *Gredler*, 36 Fla. 372, 18 South. 762; *Hopkins* v. *Hopkins*, 35 N. H. 474; *Cole* v. *Cole*, 3 Mo. App. 571; *Irwin* v. *Irwin*, 3 Okl. 186, 41 Pac. 369; *Crossman* v. *Crossman*, 33 Ala. 486, when defendant is a non-resident. The residence of the libellant in the county wherein she brings suit must appear in the libel. *Gould* v. *Gould*, 14 Pa. Co. Ct. R. 185. The court observed in deciding this case that every jurisdictional fact should appear affirmatively on the face of the record. A libel in divorce should state the county in which the libellant resides, this fact being essential to the jurisdiction of the court. *Johnson* v. *Johnson*, 3 Pa. Dist. R. 166. In *Powell* v. *Powell*, 3 Del. Co. R. 206, the court said: "It does not appear from the libel that the plaintiff is a resident of this county. As this is a point upon which our jurisdiction depends, it should not be left to intendment, but should be clearly and distinctly alleged." In case of a party seeking alimony without divorce, residence must be alleged and proved. *Miller* v. *Miller*, 33 Fla. 453. BLAND, P.J., in dissenting to the opinion in the principal case, inclines to the view of THOMPSON, J., in *Werz* v. *Werz*, 11 Mo. App. 30-31. In this case the court held that the section of the statute referred to was not intended by the legislature to declare a fact essential to jurisdiction, but was merely intended to prescribe the venue, a statement of which need not be embodied in the petition, and that if the suit is not brought in the county of the plaintiff's residence, it is pleadable in abatement, and unless so pleaded is waived. The dissenting judge in the principal case bases his opinion upon the ground that circuit courts of the state have original jurisdiction of all divorce proceedings, irrespective of the county in which they are com-